

MEMORANDUM

TO: Air Quality Section 30 Operating Permit Permittees

FROM: Charles A. Collins, Administrator, Air Quality Division
Dan Olson, Manager, Operating Permit Program

SUBJECT: Guidance for Preparation and Submittal of Annual Compliance Certifications

DATE: October 29, 1996

Section 30 (h)(iii)(E) of the Wyoming Air Quality Standards and Regulations (WAQSR) sets forth requirements for annual (at minimum) certification of compliance with Section 30 operating permits. These requirements are included in the "Compliance Certification and Schedule" section of each Section 30 operating permit. The following guidance is provided to assist permittees in preparing annual (or more frequent, if required) compliance certifications for Section 30 operating permits.

The compliance certifications should consist of at least five sections:

1. Status of compliance with named facility-specific permit conditions (and applicable WAQSR Section 22 New Source Performance Standards) for which methods for assessing compliance are described in paragraph (b) of condition C1 of the operating permit;
2. Status of compliance with other facility-specific permit conditions (and applicable WAQSR Section 22 New Source Performance Standards) generally covered by paragraph (a) of condition C1;
3. Status of compliance with general permit conditions generally covered by paragraph (a) of condition C1;
4. Status of compliance with state-only permit conditions generally covered by paragraph (a) of condition C1; and
5. Certification of truth, accuracy, and completeness by the responsible official.

In some permits, such as those for most tank batteries, no named facility-specific permit conditions are listed in condition C1. For these permits, the compliance certifications should include sections 2-5.

Section 1: Facility-Specific Permit Conditions (and Section 22 NSPS)

For *each* permit condition listed in paragraph (b) of condition C1 of the operating permit, the compliance certification should include the information in paragraph (c) of condition C1:

1. The permit condition;

2. The current compliance status;
3. Whether compliance was continuous or intermittent; and
4. The methods used for determining compliance (including whether the data the compliance statement is based on is continuous or intermittent).

The methods used for determining compliance, usually based on other monitoring, recordkeeping, reporting conditions of the permit, are described in paragraph (b) of condition C1. A proposed compliance plan and schedule should be provided as required in paragraph (d) of condition C1 for each of these permit conditions for which the source is not in compliance.

Section 2: Other Facility-Specific Permit Conditions (and Section 22 NSPS)

For the other facility-specific permit conditions (and applicable WAQSR Section 22 New Source Performance Standards) not listed in paragraph (b) of condition C1, the permittee should review each condition to determine whether the source is in compliance. The certification may collectively state that, based on the review, the source is in compliance with these permit conditions. If any non-compliance is discovered, the certification should list each permit condition for which the source is not in compliance and provide a proposed compliance plan and schedule as required in paragraph (d) of condition C1.

Section 3: General Permit Conditions

This section is similar to Section 2 of the certification described above. In many cases, the general permit conditions simply define requirements if some action is taken during the permit term such as changes in operation, ownership, etc. If no such actions occur, compliance is obvious. However, the permittee should review each general permit condition to determine whether the source is in compliance. The certification may collectively state that, based on the review, the source is in compliance with the general permit conditions. If any non-compliance is discovered, the certification should list each general permit condition for which the source is not in compliance and provide a proposed compliance plan and schedule as required in paragraph (d) of condition C1.

Section 4: State-Only Permit Conditions

This section should be divided into compliance with ambient standards and compliance with other state-only permit conditions. For compliance with ambient standards, the certification is dependent on whether or not the source is required by permit to perform ambient monitoring or modeling for any pollutant. If ambient monitoring or modeling is required by the permit, the permittee should review the results obtained during the certification period and make a certification on that basis. For each pollutant for which modeling or ambient monitoring was conducted, the certification should include the information in paragraph (c) of condition C1:

1. The permit condition (ambient standard);

2. The current compliance status;
3. Whether compliance was continuous or intermittent; and
4. The methods used for determining compliance (including whether the data the compliance statement is based on is continuous or intermittent).

If any non-compliance is discovered, the certification should list each permit condition (ambient standard) for which non-attainment is shown and provide a proposed compliance plan and schedule as required in paragraph (d) of condition C1.

If no modeling or ambient monitoring on a pollutant-specific basis is required by permit or conducted by the permittee, the certification may be based on the assumption that compliance with the other terms of the permit gives the permittee no reason to suspect non-compliance with the ambient standards.

For the other state-only permit conditions, the permittee should review each condition, in a fashion similar to that for the general permit conditions, to determine whether the source is in compliance. The certification may collectively state that, based on the review, the source is in compliance with the other state-only permit conditions. If any non-compliance is discovered, the certification should list each state-only permit condition for which the source is not in compliance and provide a proposed compliance plan and schedule as required in paragraph (d) of condition C1.

Section 5: Certification of Truth, Accuracy, and Completeness by Responsible Official

The certification must include the following statement signed and dated by the responsible official named in the permit: "I certify under of penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information contained in this certification are true, accurate, and complete."

The compliance certification must be submitted to the Division and to U.S. EPA Region VIII as specified in paragraph (e) of condition C1. Certifications are due by January 31 each year unless stated otherwise in paragraph (a) of condition C1.